

WATER QUALITY TEAM MEETING NOTES

**February 13, 2001
National Marine Fisheries Service Offices
Portland, Oregon**

1. Introductions and Review of the Agenda.

Mark Schneider of NMFS and Mary Lou Soscia of EPA, WQT co-chairs, welcomed everyone to the meeting, held February 13 at the National Marine Fisheries Service offices in Portland, Oregon. The meeting was facilitated by Donna Silverberg. The meeting agenda and a list of attendees are attached as Enclosures A and B. Please note that some of the enclosures referenced in these meeting notes may be too lengthy to routinely attach to the minutes; please contact Kathy Ceballos (503/230-5420) to obtain copies.

2. Columbia/Snake Mainstem TMDL Update.

Soscia reported that, as everyone is aware, EPA has put together a team to develop the Snake/Columbia River mainstem TMDL – policy-level managers, team leaders, modelers, attorneys, communications and outreach specialists. Soscia said that she will be handling the coordination among EPA, the states and tribes. Oregon and Idaho have signed the Memorandum of Agreement on the TMDL; Washington is expected to sign it shortly.

Again, outreach and communication is very important to the development of this TMDL, Soscia said; we intend to use the NMFS Regional Forum as the main information sharing and discussion outlet for the TMDL. We're still working on the public involvement program associated with this effort, she said; we want to engage the pulp and paper industry, municipalities and others. We will share that strategy with the WQT as soon as it becomes available, she added. The states, tribes and EPA will be meeting February 21 in Spokane to continue to work on coordination matters, Soscia said.

I have a couple of handouts today, she continued; these include the fact sheet and a basic outline of the basic concepts behind EPA's outreach strategy. These documents are Enclosures C and D.

As we move forward, we would like to have more technical briefings with the WQT,

Soscia said, particularly as we reach critical junctures or decision-points. We are also talking to the action agencies about how to integrate the TMDL with the Water Quality Plan referenced in the 2000 FCRPS BiOp, Soscia said.

What about information needs from the action agencies? Joyce Cohen asked. We've been working with the action agencies on the information needs we can foresee, Rick Parkin replied; there may be some additional information needs from the PUDs and from the Bureau of Reclamation, but we will be talking with those entities as the need for that information arises. There is a meeting scheduled for the data work group, he said; Mary Lou has been talking to the Corps about obtaining access to the necessary databases. That meeting is scheduled for March 14, said Dick Cassidy. Parkin said additional meetings to discuss modeling and information needs have been scheduled for February 21 and 22.

Cassidy said that the Corps is interested in the possibility of coordinating the development of the Water Quality Plan and the TMDL with the help of the Regional Watershed Coordination Team. Cassidy distributed copies of the Regional Watershed Coordination Team's charter, and said the Corps plans to communicate with the Team and keep them informed about progress on the Water Quality Plan and TMDL. In response to a question, Cassidy said that the Corps does not see the RWCT as the proper forum in which to engage in policy-level discussions of water quality issues; again, he said, it is a mechanism for sharing information with the widest possible group of stakeholders.

I would propose that we come back to the WQT after the next Regional Watershed Coordination Team meeting to tell you what progress has been made, said Soscia. The focus of that group is stewardship – how to work with private landowners and other non-federal parties to ensure that the activities laid out in the BiOp are implemented on the ground. Personally, she said, I think it's entirely appropriate to use the RWCT as a forum for information-sharing; we're still struggling, however, with where the difficult decisions are going to be made on mainstem water quality issues, and where the holistic linkage is going to occur between mainstem water quality efforts and tributary water quality efforts.

Soscia also distributed copies of the Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management (Enclosure F).

Don Esseg said his agency is working on the Snake River TMDL; the goal is to complete that document by later this year.

Questions? Silverberg asked. Cohen said Oregon has developed the Tualatin River TMDL; it is now being reviewed by EPA, and once that process is complete, we will have a template that will help Oregon move forward with the other TMDLs that still need to be developed. Soscia noted that Oregon's Upper Grande Ronde TMDL has been approved by EPA.

Soscia added that EPA has received a letter from the Nez Perce Tribe regarding the use of the NMFS Regional Forum to resolve Clean Water Act compliance issues; she distributed

copies of that letter, as well as EPA's response (Enclosure G).

3. WQT Review and Input on Washington State Water Quality Standards for Temperature and Dissolved Gas.

Chris Maynard said the draft Washington water quality standards are now available for review. WDOE's plan is to submit them to EPA in March; in April, there will be an opportunity for public comment; in June, the final rule will be sent to EPA for consultation, with the goal of having the new rule in effect in September. EPA has the final authority to say yes or no, Maynard noted, adding that the water quality standards development process is moving forward pretty expeditiously.

We're looking at some pretty major changes, he said, in particular, the change from class-based standards to use-based standards, in line with most other states. There are a number of major elements under that change, including significant changes to the water temperature standards -- we have established six categories from coldest use to warmest use, Maynard said. The coldest standard will be a seven-day average of no warmer than 10 degrees C, with no single reading to exceed 13 degrees C. The other thing that has changed is where the temperature measurements are taken, Maynard said; they now have to be taken at sites that are generally representative of the river. The dissolved oxygen standards have also changed in the draft, said Maynard.

Is there a fact sheet laying out these temperature categories, and the major changes included in the draft standards? one participant asked. Not yet -- we still need to put one together, Maynard replied. In response to another question, Maynard said the summer (June 1-September 14) standard for the Columbia River will be 20 degrees C from the mouth up to Priest Rapids Dam.

What is the due date for informal comments on the draft standard? Schneider asked. This Friday, February 16, Maynard replied -- again, there will be an opportunity to provide formal comments in April, but if you want your comments to be reflected in the draft that goes out for formal review, you need to provide them to us by February 16.

Has there been an environmental policy review of the proposed rule? Cliff Sears asked. There will be, but I don't know when that will start, Maynard replied. In response to another question, Cathy Tortorici said there is now a regional temperature standards work group; there will be a series of public meetings held throughout the Northwest to talk about what the temperature standards should be. The whole process is supposed to be completed by October of this year, she added. How will that process be taken into consideration in the development of the Washington temperature standards? Sears asked. We're participating in the multi-state effort, Maynard replied; if possible, we will incorporate the recommendations of the regional temperature standards work group into Washington's proposed standard. If that isn't possible, said Tortorici, those recommendations will be incorporated into Washington's next triennial

review.

Would it be helpful to ask someone from EPA to give the WQT a presentation on the temperature work group's activities and work products? Soscia asked. Perhaps in the May/June period, Stu McKenzie suggested. It was agreed that Schneider will explore a possible WQT connection with the March 13 meeting of the regional temperature standards work group in Portland. It was further agreed that a more formal presentation from the regional temperature standards work group to the WQT at a future WQT meeting might be helpful.

Two additional changes to highlight, said Maynard – you may want to take a look at the anti-degradation standard, as well as the definition of “full support,” as it applies to dams, on Page 5 of the proposed standard. He noted that Oregon and Washington will be taking the lead on the dissolved gas modeling needed in support of the standards development, while EPA will be taking the lead on water temperature modeling.

4. Review of WQT Charter and Assignments from BiOp.

The reason for having this on the agenda is the suggestion, made at the last WQT meeting, that we review the WQT guidelines (Enclosure H) and the assignments made to the WQT in the 2000 FCRPS Biological Opinion (Enclosure I), Silverberg said. The group spent a few minutes reading through these documents.

Thoughts? Silverberg asked. Do we need to restructure the WQT, or can we move forward as-is? When these guidelines were developed, said Schneider, the understanding was that although ESA would be the main initial focus of the group, the Clean Water Act would become a greater focus later on. That is where we are today, Schneider said; given that fact, there may be a need to make some changes to the WQT Guidelines.

As I read through this, there is nothing that jumps out as something that needs to be changed, Soscia said. However, it does need to be updated. The WQT's ESA/CWA coordination role is still evolving, so if people have specific changes to suggest today, go ahead and make them. Otherwise, Soscia said, we should probably defer this discussion until the ESA/CWA coordination issue is resolved. Again, EPA has specific public outreach responsibilities under the TMDL development process; the federal action agencies have similar responsibilities associated with the development of the Water Quality Plan called for in the BiOp. In short, the Corps and EPA need to resolve their differences about the future role of the WQT before we can make substantive changes to the WQT guidelines, Soscia said.

In looking at what's in the Guidelines, as well as what's in the BiOp, the guidelines need to be changed to reflect what the BiOp calls for, said Tortorici. I see a number of activities called for in the BiOp that this group simply isn't doing yet, she said, and that includes activities beyond the development of the mainstem TMDL.

Schneider said his interpretation is exactly the same – there has been a change in the

activities assigned to this group in the new BiOp, and there is a discrepancy between what the BiOp assigns to this group and what the guidelines say. I agree that, if we're going to amend the guidelines, they ought to be amended to reflect the new tasks assigned in the BiOp, he said.

Margaret Filardo reiterated the concern she raised last meeting, that some parties seem to regard the WQT as nothing more than a "ladies' book club" or information-sharing group, while others would like to see it take on more of a decision-making role. Tortorici referred the group's attention to Enclosure I, and spent a few minutes going through the specific WQT tasks laid out in the new BiOp. If we don't do this, she said, what are we going to do?

Filardo noted that the initial proposal for the future structure of the WQT provided to the group at its last meeting by Schneider, Soscia and Silverberg emphasized the group's information-sharing role. Tortorici agreed that information-sharing is a crucial function for the WQT, but reiterated that the 2000 BiOp lays out a variety of more proactive assignments for the WQT to undertake.

Does anyone disagree with that assessment? Silverberg asked. I'm assuming that the WQT's focus is still mainstem temperature and gas, said one meeting participant – there are other forums that will be dealing with the other pieces of the puzzle, such as tributary water quality issues.

Filardo said she agrees with Tortorici's assessment; however, Filardo said, at more than one WQT meeting, the Corps has expressed its reluctance to address Clean Water Act and ESA issues in the same forum. We still feel that the new forum should be in a larger context, said Cassidy; we also recognize that most of this group does not agree, so we're willing to go along with the other WQT members. However, we do plan to do some additional coordination in other forums, he said. A BPA representative said his agency agrees with the Corps' assessment of this issue.

So the Corps and BPA are OK with the idea of amending the Water Quality Team guidelines to reflect the assignments in the 2000 FCRPS BiOp? Silverberg asked. Yes, Cassidy replied. Don Essig observed that there is a lack of clarity about the scope of the WQT (mainstem only, or mainstem and tributaries?). I also wouldn't mind this forum being the main place for providing feedback on the Water Quality Plan, Cohen suggested – that effort should be coordinated with, but separate from, the TMDL development process. Chris Maynard said he agrees with Cohen's assessment; he also suggested that it may not be necessary for the WQT to meet monthly in the future, from a staff efficiency standpoint.

Should we ask someone to take a crack at changing the guidelines to reflect the assignments laid out in the 2000 BiOp? Silverberg asked. I think that would answer many of the questions that have been raised in the last half-hour, Schneider said; the BiOp is pretty clear about what this group needs to be doing.

My impression was that the Water Quality Plan was going to be developed by the federal

action agencies, then presented to NMFS, said Filardo – where does the WQT fit into that process, because my understanding is that BPA doesn't want the WQT to review it. It is the action agencies' responsibility to develop the plan, but after that, it will be shopped around, the BPA participant replied. Tortorici observed that review of the Water Quality Plan is one of the tasks assigned to the WQT under the new BiOp.

It seems to me that we need to make a decision, said Soscia. We have these BiOp assignments in front of us; EPA has also made a decision to use this forum for information-sharing on the TMDL. Can we resolve that issue? Maynard asked – I'm tired of talking about it. I don't think it's that controversial, said Silverberg – I believe that was what we agreed at the last WQT meeting. The other issue is between EPA, the states and tribes about how public outreach will occur, said Soscia; that's a decision that will be made outside this group.

I would propose that this group endorse the concept that the WQT address the specific tasks assigned by the BiOp, and that the action agencies use this forum as the primary body for sharing information about the Water Quality Plan, Soscia said. The guidelines will then be revised to reflect the activities assigned in the BiOp; we will then figure out how to restructure the group to accomplish those tasks. Anyone have a problem with that proposal? Silverberg asked. To clarify, said Maynard, one of the parts of the action plan was looking at the representativeness of the monitors – that effort is also integral to the development of the TMDLs. In other words, he said, there are connections we're not going to be able to avoid. I would see that as a positive, Soscia said.

After a few minutes of additional discussion, no disagreements were raised to Soscia's proposal. Soscia then asked Tortorici to work with her and Schneider to restructure the WQT guidelines to reflect the assignments in the BiOp; Tortorici agreed to develop a proposed set of WQT guidelines prior to the next meeting of the group.

This is a major success, said Soscia – we've been talking about it for months, and I think you all deserve a round of applause.

5. Formation of Dissolved Gas Monitoring Subgroup.

Schneider directed the WQT's attention to the BiOp Assignments to the WQT handout (Enclosure I); he noted that he had reviewed the BiOp, and wherever the WQT was mentioned, he had summarized any action items in this handout. This is the actual language from the BiOp, and a brief summary of the assignment to this group, Schneider explained.

Schneider spent a few minutes going through this document; he noted that the BiOp instructs the WQT to be ready to review the action agencies' Water Quality Plan as well as their one- and five-year implementation plans. Specifically, the WQT is to evaluate the water quality effects of any structural and operational measures at the federal dams, Schneider said; we are also to do whatever we can to encourage tribal participation in the development of the one- and five-year plans.

Schneider noted that the BiOp's Reasonable and Prudent Alternative 131 requires the action agencies to monitor the effects of TDG; as part of that effort, the WQT is charged with consulting on the annual physical and biological monitoring program with the action agencies, including a determination of where redundant and backup monitors are needed. The WQT is also directed to consult with the action agencies on an annual review of the QA/QC components of the physical monitoring program.

Schneider said that, under RPA 132, the WQT is directed to coordinate with the action agencies on evaluating the TDG fixed monitoring stations in the forebays of all of the mainstem Columbia and Snake River dams, and on the need to make any changes in the location of these monitoring stations.

It might be useful to add a list of the RPAs and the conservation measures to this document, Soscia suggested. I can do that, Schneider replied.

There was one particular item that called for the formation of WQT subgroups, Schneider said; the basic components of a dissolved gas monitoring subgroup have already been formed, but I would like to invite others to join us if you have an interest in the topics referenced in the BiOp – the representativeness of the current monitoring locations, and the need for redundant and backup monitors. Schneider asked anyone with an interest in these topics to contact him to become a subgroup participant; the next dissolved gas monitoring subgroup meeting has been set for February 23. Cohen said Russell Harding will likely want to participate; Steve Hays said someone from Chelan PUD would also like to join. Tom Lorz said he would like to participate; BPA's Jim Irish was also mentioned as a possible participant, as was Jerry McCann of the Fish Passage Center.

6. Discussion of 2001 and Long-Term Spill Strategy.

Cassidy said that, the last time the WQT met, he reported that the Corps had sent Oregon DEQ a letter about long-term water quality strategies; since then, Mary Lou and Dave Ponganis from the Corps drafted yet another letter to Oregon regarding the need for a variance in 2001. The letter was crafted in a way that met everyone's organizational needs, Cassidy said; there is a meeting between the Corps and Oregon DEQ on February 27 to discuss that in more detail, in particular, the question of whether or not the Oregon Environmental Quality Commission will address the Corps' letter at its May meeting, or at an earlier special session.

The spill program needs to start sooner than May, does it not? Cohen asked – for that reason, the May meeting probably isn't an option. The problem was that the first letter didn't ask about this year's operation, said Soscia; the second letter did, but the Commission had concerns about its public process requirements if a waiver is to be granted in time for the spill season to begin in April. It sounds as though the process is underway, then, said Silverberg. Cohen noted that it may be feasible for the Commission to grant a temporary waiver which will allow the spill program to start on time this year, while the Corps provides a formal presentation at the

Commission's May meeting and the public process occurs simultaneously.

Filardo noted that the May Oregon DEQ Commission meeting is likely to be ugly; the Commission is apparently not pleased with the way this waiver request was presented, and there is also likely to be vehement public opposition to the 2001 spill program, given the low water conditions in the system and the potential impact of the spill program on power system reliability.

Cassidy noted that the 2001 dissolved gas monitoring plan is complete; a copy of this plan is appended as Enclosure J.

7. Next WQT Meeting Date.

The next meeting of the Water Quality Team was set for Tuesday, March 13 (later changed to March 14, 9 - noon) at NMFS' Portland offices. Meeting notes prepared by Jeff Kuechle, BPA contractor.